

REMARKS

Claims 1-13 were presented for examination. Claim 11 has been canceled. Claims 1-5 and 10 have been amended. Claims 1-10 and 12-13 remain in the application.

Applicant wishes to bring to the examiner's attention that the IDS Form 1449 submitted with the application has not been initialed by the examiner.

Claims 1-4 and 6 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Palermo (U.S. Patent No. 6,181,734) in view of Fette et al. (U.S. Patent No. 6,052,600). Claim 5 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Palermo in view of Fette et al., and further in view of Watanabe (U.S. Publ. No. 2002/0144134). Claims 10 and 13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Fette et al. in view of Watanabe (U.S. Publ. No. 2002/0144134).

Applicant notes with appreciation the allowability of claims 7-9 and 11-12, but wishes to postpone amending claims 7-9 in view of the amendment of claim 1 and the following remarks.

Claim 10 has been amended to include the subject matter previous recited in allowable claim 11.

The rejection of claims 1-4 and 6 under 35 U.S.C. §103(a) as being unpatentable over Palermo (U.S. Patent No. 6,181,734) in view of Fette et al. (U.S. Patent No. 6,052,600) is hereby traversed and reconsideration thereof is respectfully requested in view of remarks set forth below.

Claim 1, as amended herein, is directed to a software-defined wireless communications device which includes a hardware platform, platform software that controls an operating characteristic of the hardware platform, and waveform software that is separate from the platform software. The waveform software has authorization tags with limit values that are certified for that particular hardware platform and platform software, but optionally also for other hardware platforms and associated platform software. The limit values specify operating parameters of the hardware platform when the waveform software is executed on the hardware platform.

The Office Action states that Palermo (US 6,181,734) discloses a hardware platform and (hardware) platform software, but fails to disclose separate waveform software. According to the Action, Fette (US 6,052,600) teaches waveform software separate from the platform software, with the waveform software including authorization tags. The Action makes reference to FIG. 2 and col. 2, lines 34-60 of Fette.

Applicant has reviewed the Fette reference and disagrees with the above statement that Fette teaches waveform software separate from the platform software, as recited in claim 1. Fette describes a radio capable of communicating different waveforms and interoperable with various communication equipment. Fette further discloses that the radio receives information to perform configuration operations, which can include, for example, FCC communication specifications associated with a software defined waveform. (col. 3, lines 39-50). However, Fette does not disclose or suggest that the received information includes authorization tags with limit values that are certified for the hardware platform and platform software.

As for the rejection of claim 5, Watanabe discloses a software defined radio and system that includes a control unit 24 that analyzes software held in storage 25 and sends control signals for conducting hardware settings to the RF unit 21 and IF unit 22. The software is stored in the radio itself. Nowhere does Watanabe disclose receiving waveform software having authorization tags with limit values that are certified for a hardware platform and platform software, as recited in claim 1, from which claim 6 depends.

Accordingly, Applicant submits that Palermo, Fette and Watanabe, taken either alone or in combination, fail to disclose, teach, or suggest the subject matter recited in claims 1- 6. Withdrawal of the rejection of claim 1- 6 is therefore respectfully requested.

Claim 10, as amended herein, includes the limitations of allowable claim 11 and now recites a method of certifying a software-defined wireless communications device, which includes the steps of validating a signal processing library residing in the software-defined wireless communications device, connecting the signal processing library at run time to an application program containing waveform descriptions, and enforcing limits on RF emission based on device-related authorization tags encoded with the waveform descriptions. Claim 10

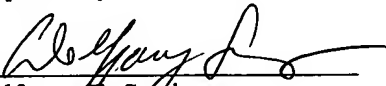
should now be allowable. Claims 12-13, which depend from claim 10, should be allowable for the same reasons that amended claim 10 is allowable.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-1945, under Order No. VANU-P01-004 from which the undersigned is authorized to draw.

Dated: September 9, 2004

Respectfully submitted,

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